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|--|-------------|----------------------|------------------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
| 10/607,556   | 06/26/2003  | Thomas Vance Ballard | AUS920030476US1              | 7279             |
| 35525 7590 01/24/2007<br>IBM CORP (YA)<br>C/O YEE & ASSOCIATES PC<br>P.O. BOX 802333<br>DALLAS, TX 75380 |             |                      | EXAMINER<br>NALVEN, ANDREW L |                  |
|  |             |                      | ART UNIT                     | PAPER NUMBER     |
|  |             |                      | 2134                         |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             | MAIL DATE            | DELIVERY MODE                |                  |
| 3 MONTHS   |             | 01/24/2007           | PAPER                        |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |  |                       |  |
|------------------------------|------------------------|--|-----------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b>   |  |
|                              | 10/607,556             |  | BALLARD, THOMAS VANCE |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>       |  |
|                              | Andrew L. Nalven       |  | 2134                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-17, 19-30, 32-39 is/are rejected.
- 7) ☒ Claim(s) 7, 18 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**KAMBIZ ZAND**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/26/2003</u> .   | 6) <input type="checkbox"/> Other: _____                          |

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### DETAILED ACTION

1. Claims 1-39 are pending.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 12-22 and 35 are rejected under 35 U.S.C. 101 because the cited claims are directed towards a computer readable medium which has been defined by the specification to include transmission type media including digital and analog communication links, wired or wireless communication links, radio frequency communications, and light wave communications. Transmission type media are forms of signals which are not statutory subject matter.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-4, 8-15, 19-28, and 32-39 are rejected under 35 U.S.C. 102(e)** as

being anticipated by Aiu et al US PGPub 2004/0003079.

4. **With regards to claims 1, 12, 23, and 25**, Aiu teaches receiving an electrical signal having a data signal added therein (Aiu, paragraphs 0014-0015, receives and extracts allowances from remote server), extracting the data signal from the electrical signal (Aiu, paragraphs 0014-0015, receives and extracts allowances from remote server), comparing data of the data signal to security information stored in the data processing device (Aiu, paragraphs 0036-0037, compares received allowances to stored history), and permitting operation of the data processing device based on the comparison of the data signal to the security information (Aiu, paragraph 0037).

5. **With regards to claims 2, 13, 26, and 37**, Aiu teaches the operation is one of power-up and boot-up of the device (Aiu, paragraph 0014).

6. **With regards to claims 3, 14, and 27**, Aiu teaches storing a record of the data signal in a history data structure, wherein the history data structure includes a data value of the data signal and a timestamp of the data signal (Aiu, paragraph 0020, time restrictions).

7. **With regards to claims 4, 15, 28, and 38**, Aiu teaches receiving a data packet from a sending device via a data network wherein the data packet includes a first data value and a first timestamp associated with the first data value (Aiu, paragraph 0020), querying a history data structure for a second data value associated with a second timestamp in the history data structure based on the first timestamp (Aiu, paragraphs

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0036-0037), comparing the second data value to the first data value (Aiu, paragraphs 0036-0037), and permitting processing of the data packet if the second data value matches the first data value (Aiu, paragraphs 0036-0037).

8. **With regards to claims 8 and 19**, Aiu teaches the security information from a security device associated with the data network (Aiu, paragraph 0015).

9. **With regards to claims 9, 20, and 32**, Aiu teaches the data signal generated based on security information from a security device associated with the data structure (Aiu, paragraphs 0014-0015).

10. **With regards to claims 10, 21, and 33**, Aiu teaches the data processing device being one of a computer, workstation, stored system, peripheral device, and a portable computing device (Aiu, paragraph 0011).

11. **With regards to claims 11, 22, 34, and 39**, Aiu teaches the electrical signal indicative of a location of the data processing device (Aiu, paragraph 0022).

12. **With regards to claims 24 and 35-36**, Aiu teaches everything described above regarding claim 1 and further teaches receiving an electrical signal from an external network (Aiu, paragraph 0019), adding a data signal to the electrical signal to generate a modified electrical signal wherein the signal includes security data (Aiu, paragraph 0019), and outputting the modified electrical signal to a local network (Aiu, paragraph 0017).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 5-6, 16-17, and 29-29 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Aiu et al US PGPub 2004/0003079 in view of Barrett US Patent No. 6,832,321.

14. **With regards to claims 5, 16, and 29**, Aiu teaches the comparison of the first data value to the second data value (Aiu, paragraphs 0036-0037), but fails to teach adding an identifier of the sending device to a list wherein if the second data value matches the first data value, the the list is a list of authorized devices and wherein if the second data value does not match the list is a list of unauthorized devices. However, Barrett teaches teach adding an identifier of the sending device to a list wherein if the second data value matches the first data value, the the list is a list of authorized devices and wherein if the second data value does not match the list is a list of unauthorized devices (Barrett, column 9 line 32 – column 10 line 8, column 6 lines 5-12). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Barrett's method of using authorized and unauthorized device lists with Aiu's device use regulation system because it offers the advantage of allowing devices to access network elements on a public network while preventing unauthorized access from public network elements thereby increasing security (Barrett, column 2 lines 42-61).

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15. **With regards to claims 6, 17, and 30**, Aiu as modified teaches comparing an identifier of the sending device in at least one of the list of authorized devices and the list of unauthorized devices prior to querying the history data structure (Barrett, column 8 lines 50-59), automatically permitting the processing of the data packet if the identifier of the sending device is in the list of authorized devices (Barrett, column 8 lines 50-59), and automatically denying processing of the data packet if the identifier of the sending device is in the list of unauthorized devices (Barrett, column 8 lines 50-59).

***Allowable Subject Matter***

16. Claims 7 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and amended to overcome the rejection under 35 USC 101.

The following is a statement of reasons for the indication of allowable subject matter:



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18. The cited prior art, Aiu et al US PGPub 2004/0003079 and Barrett US Patent No. 6,832,321, teach the deleting of particular entries in lists of authorized or unauthorized devices, but fails to specifically teach periodically clearing the list of authorized devices and the list of unauthorized devices. As such, the cited prior art fails to anticipate or render obvious the above cited claims.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Gibbs US Patent No. 6,615,348 discloses a method for an adapted digital signature.

21. Barzegar et al US Patent No. 5,559,520 discloses a method for acquiring location related information in a wireless network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571 272 3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Nalven



KAMBIZ ZAND  
PRIMARY EXAMINER